

OFFICIAL GAZETTE

GOVERNMENT OF GOA

GOVERNMENT OF GOA

Department of Personnel and Administrative Reforms

Notification

1/23/87-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, and in supersession of the existing recruitment rules for the post, the Governor of Goa, hereby makes the following rules relating to recruitment to the Group 'C' Non-Ministerial, Non-Gazetted post, in Public Works Department, Government of Goa, namely: —

1. Short title, application and commencement. —

(1) These rules may be called the Government of Goa, Public Works Department, Group 'C', Non-Ministerial, Non-Gazetted post Recruitment Rules, 1987.

(2) *Application.* These rules shall apply to the posts specified in Column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of publication in the Official Gazette.

2. **Number, classification and scales of pay.** — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in Columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in Column 2 of the said Schedule from time to time subject to exigencies of work.

3. **Method of recruitment, age limit and other qualifications.** — The method of recruitment to the

said posts, age limit, qualifications and other matters connected therewith shall be as specified in Columns 5 to 13 of the said Schedule.

4. **Disqualification.** — No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may if satisfied that such marriage is permissible under the personal Law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. **Power to relax.** — Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing relax any of the provisions of these rules with respect to any class or category of persons.

6. **Saving.** — Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes, Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in that regard.

By order and in the name of the Governor of Goa.

N. P. Gaunekar, Under Secretary (Personnel).
Panaji, 8th September, 1987.

SCHEDULE

1	2	3	4	5	6	7	8	9	10	11	12	13
Name of the post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age & educational qualifications prescribed for the direct recruits will apply in the case of promotion	Period of probation if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/transfer, grades from which promotion/deputation/transfer is to be made	If a D.P.C. exists, what is its composition	Circumstances in which Union Public Service Commission is to be consulted in making recruitment
Junior Engineer	331 (1987) subject to variation dependent on workload.	Group 'C' (Non-Ministerial Non-Gazetted).	Rs. 1400-40-1800-EB-50-2300.	N.A.	Not exceeding 30 years. (Relaxable for Government servants upto the age of 35 years in accordance with the instructions or orders issued by the Central Government).	Essential: Degree/Diploma of a recognised University or State Board in the appropriate Branch or Engineering (Civil/Elect./Construction Engineering). Desirable: Knowledge of Konkani and/or Marathi.	N.A.	Two years	By direct recruitment	N.A.	Group 'C' D.P.C. (for considering confirmation)	

ORDER

2/7/76-PER(Vol. III)

Read: Order of even number dated 13-3-87.

In partial modification of the order cited above the following Departmental Selection Committee is hereby constituted with immediate effect, for recruitment to Group 'C' teaching posts in the Directorate of Education:—

1. Director of Education — Chairman.
2. Asstt. Director of Education (Admn.) — Member.
3. Under Secretary (Education) — Member.

By order and in the name of the Governor of Goa.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 21st September, 1987.

Notification

18/11/87-PER

In exercise of the powers conferred by the proviso to clause (3) of Article 320 of the Constitution, the Governor of Goa hereby makes the following regulations, namely:—

1. These regulations may be called the Union Public Service Commission (Consultation by Government of Goa) Regulations, 1987.

2. These regulations shall be operative for a period of six months with effect from 31-5-1987 or till a separate or joint Public Service Commission for the State of Goa is set up, whichever is earlier.

3. In these regulations, the term "Commission" means "Union Public Service Commission".

4. It shall not be necessary to consult the Commission in regard to any of the matters mentioned in sub-clauses (a) and (b) of clause (3) of Article 320 of the Constitution in the case of the services, and posts specified in the Schedule to these Regulations.

5. Save as otherwise expressly provided in the rules governing recruitment to the civil service or civil post concerned, it shall not be necessary to consult the Commission in regard to the selection for appointment:—

- (a) to a post included in All India Service, of any Officer who is already a member of an All India Service;
- (b) to a post included in a State Service Group 'A', of any Officer who is already a member of an All India Service or a State Service, Group 'A'; and
- (c) to a State Service, Group 'B' or to a post included in a State Service, 'B', or any officer who is already a member of a State Service, Group 'B', or State Service, Group 'C'.

Note: In this regulation, the terms "State Service" means Goa State Service, "Officer" means a person holding the post in the concerned service in accordance with the relevant Recruitment Rules;

6. (1) It shall not be necessary to consult the Commission in regard to the Selection for a temporary or officiating appointment to a post, if:—

- (a) the person appointed is not likely to hold the post for a period of more than one year; and
- (b) it is necessary in the public interest to make the appointment immediately and a reference to the Commission will cause undue delay;

Provided that—

- (i) such appointment shall be reported to the Commission as soon as it is made;
- (ii) if the appointment continues beyond a period of six months, a fresh estimate as to the period for which the person appointed is likely to hold the post shall be made and reported to the Commission; and
- (iii) if such estimate indicates that the person appointed is likely to hold the post for a period more than one year from the date of appointment, the Commission shall immediately be consulted in regard to the filling of the post.

7. (1) It shall not be necessary to consult the Commission in regard to the making of any order in any disciplinary case other than:—

- (a) an original order by the Governor imposing any of the following penalties:—
 - (i) Censure;
 - (ii) Withholding of increments or promotion;
 - (iii) Recovery from pay of the whole or part of any pecuniary loss caused to the Government by negligence or breach of orders;
 - (iv) reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the Government servant will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay;
 - (v) reduction to a lower time-scale of pay, grade, post or service with or without further directions regarding conditions of restoration to the grade or post or service from which the Government servant was reduced and his seniority and pay on such restoration to that Grade, post or Service;
 - (vi) Compulsory retirement;
 - (vii) removal from service;
 - (viii) dismissal from service;

- (b) an order by the Governor on an appeal against an order imposing any of the said penalties made by a subordinate authority;
- (c) an order by the Governor over-ruling or modifying, after consideration of any petition or memorial, or otherwise, an order imposing any of the said penalties made by the Governor or by a subordinate authority;
- (d) an order by the Governor imposing any of the said penalties in exercise of his powers of review and in modification of an order under which none of the said penalties has been imposed.

(2) It shall not be necessary for the Governor to consult the Commission in any case where the Governor proposes to make an order of dismissal, removal or reduction in rank after being satisfied that such action is necessary in the interest of the Security of the State.

8. It shall not be necessary to consult the Commission in regard to any matter mentioned in sub-clause (d) of clause (3) of Article 320 of the Constitution:—

- (a) in the case of a person belonging to State Service Group 'C' or State Service Group 'D';
- (b) in any other case, where the Government has accepted the claim of the Government servant.

9. It shall not be necessary to consult the Commission in regard to any of the matters mentioned in sub-clause (e) of clause (3) of Article 320 of the Constitution in the case of a person belonging to a State Service, Group 'C' or State Service Group 'D'.

By order and in the name of the Governor of Goa.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 24th September, 1987.

SCHEDULE

(1) Posts in respect of which the authority to appoint is specifically conferred on the Governor by the Constitution.

(2) Posts of Chairman or Member of any Board, Tribunal, Commission, Committee or other similar authority created by or under the provisions of a Statute.

(3) Posts of Chairman or Members of any Board, Tribunal, Commission, Committee or other similar body appointed by or under the authority of a resolution of the State Legislature or by a resolution of Government for the purpose of conducting any investigation or enquiry into or for advising Government on specified matters.

(4) Posts on the personal staff attached to holders of posts mentioned in items (1) to (3) above.

(5) Posts of Private Secretary to the Speaker and Private Secretary to the Deputy Speaker of the State Legislatures.

(6) District Judges, Sessions Judges, Additional District Judges and Additional Sessions Judges in the State.

(7) All Civil and Criminal judicial posts in the State under the control of the High Court.

(8) All Class Group 'C' and Class Group 'D' services and posts save as otherwise expressly provided in the relevant rules or orders governing recruitment thereto.

(9) Personal staff of the Governor.

(10) Any Service or post or class of posts in respect of which the Commission has agreed that it shall not be necessary for it to be consulted.

Law (Legal and Legislative Affairs) Department

Notification

LD/1/87-(L.A.B.)

The Jute Packaging Materials (Compulsory Use in Packing Commodities) Act, 1987 (Act No. 10 of 1987), which was passed by Parliament and assented to by the President of India on 9th May, 1987, and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 11th May, 1987, is hereby republished for general information of the public.

P. V. Kadnekar, Under Secretary (Drafting)

Panaji, 31st August, 1987.

The Jute Packaging Materials (Compulsory Use in Packing Commodities) Act, 1987

AN

ACT

to provide for the compulsory use of jute packaging material in the supply and distribution of certain commodities in the interests of production of raw jute and jute packaging material, and of persons engaged in the production thereof, and for matters connected therewith.

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Jute Packaging Materials (Compulsory Use in Packing Commodities) Act, 1987.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "commodity" means—

(i) any essential commodity;

(ii) any article manufactured or produced by any scheduled industry;

(b) "essential commodity" shall have the same meaning as in the Essential Commodities Act, 1955;

(c) "jute packaging material" means jute, jute yarn, jute twine, jute sacking cloth, hessian cloth, jute bags or any other packaging material containing not less than seventy-five per cent., by weight, of jute;

(d) "scheduled industry" shall have the same meaning as in the Industries (Development and Regulation) Act, 1951;

(e) "Standing Advisory Committee" means the Standing Advisory Committee constituted under section 4.

3. *Power to specify commodities which are required to be packed in jute packaging material.*—(1) Notwithstanding anything contained in any other law for the time being in force, the Central Government may, if it is satisfied, after considering the recommendations made to it by the Standing Advisory Committee, that it is necessary so to do in the interests of production of raw jute and jute packaging material, and of persons engaged in the production thereof, by order published in the Official Gazette, direct, from time to time, that such commodity or class of commodities or such percentage thereof, as may be specified in the order, shall, on and from such date, as may be specified in the order, be packed for the purposes of its supply or distribution in such jute packaging material as may be specified in the order:

Provided that until such time as the Standing Advisory Committee is constituted under section 4, the Central Government shall, before making any order under this sub-section, consider the matters specified in sub-section (2) of section 4, and any order so made shall cease to operate at the expiration of three months from the date on which the Standing Advisory Committee makes its recommendations.

(2) Every order made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

4. *Constitution of Standing Advisory Committee.*—(1) The Central Government shall, with a view to determining the commodity or class of commodities or percentages thereof in respect of which jute packaging material shall be used in their packing, constitute a Standing Advisory Committee consisting of such persons as have, in the opinion of that Government, the necessary expertise to give advice in the matter.

(2) The Standing Advisory Committee shall, after considering the following matters, indicate its recommendations to the Central Government, namely:—

- (a) the existing level of usage of jute material;
- (b) the quantity of raw jute available;
- (c) the quantity of jute material available;
- (d) the protection of interests of persons engaged in the jute industry and in the production of raw jute;
- (e) the need for continued maintenance of jute industry;
- (f) the quantity of commodities which, in its opinion, is likely to be required for packing in jute material;
- (g) such other matters as the Standing Advisory Committee may think fit.

5. *Prohibition of packing in any material other than the jute packaging material.*—Where an order has been made under section 3 requiring any commodity, class of commodities or any percentage thereof to be packed in jute packaging material for their supply or distribution, such commodity, class of commodities or percentage thereof shall not, on and from the date specified in such order, be supplied or distributed unless the same is packed in accordance with that order:

Provided that nothing in this section shall apply to the supply or distribution of any commodity, class of commodities or percentage thereof for a period of three months from the aforesaid date if immediately before that date such commodity, class of commodities or percentage thereof, were being packed in any material other than jute packaging material.

6. *Power to call for information and samples.*—The Central Government may, by order, require any person, who is required to use jute packaging material for packing under section 5, to furnish, for the purposes of this Act,—

(a) such information in his possession, with respect to any commodity or class of commodities or percentage thereof which requires such packing, to any officer specified by it, in such form and within such period as may be specified by that Government in the order;

(b) such samples of jute packaging material for inspection by such officer at such places and within such period as may be specified by it in the order.

7. *Power to enter and inspect.*—Any officer authorised by the Central Government (hereinafter referred to as the authorised officer) may enter, at all reasonable times, any place, premises or vehicle where any commodity packed in jute packaging material is stored or kept for supply or distribution, and may require its production for inspection and ask for any information relating thereto.

8. *Power to search and seize.*—(1) The authorised officer may, if he has reason to believe that any

commodity has been packed in contravention of section 5 and is secreted in any place, premises or vehicle, enter into and search such place, premises or vehicle for such commodity.

(2) Where, as a result of any search made under sub-section (1), any commodity packed in contravention of section 5 has been found, the authorised officer may seize such commodity and any other thing which, in his opinion, will be useful for, or relevant to, any proceeding under this Act:

Provided that where it is not practicable to seize any such commodity or thing the authorised officer may serve on the person an order that he shall not remove, part with, or otherwise deal with, the commodity or thing except with the previous permission of the authorised officer.

(3) The provisions of the Code of Criminal Procedure, 1973, relating to searches and seizures shall, so far as may be, apply to every search or seizure made under this section. 2 of 1974.

9. *Penalty for contravention of section 5.*—Whoever packs any commodity, class of commodities or any percentage thereof in any material in contravention of section 5 shall be punishable with fine which may extend to an amount equal to double the cost of the jute packaging material which should have been used in accordance with the order made under section 3.

10. *Penalty for false statement, etc.*—If any person, when required by any order made under section 6 to furnish any information or sample, fails to furnish such information or sample, or makes any statement or furnishes any information which is false in any material particular and which he knows, or has reasonable cause to believe, to be false or does not believe it to be true, he shall be punishable with fine which may extend to five thousand rupees.

11. *Offences by companies.*—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. — For the purposes of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

12. *Offences to be cognizable.* — Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence punishable under this Act shall be cognizable. 2 of 1974.

13. *Power to delegate.* — The Central Government may, by order published in the Official Gazette, direct that the powers exercisable by it under any provision of this Act, other than the power to make orders under section 3 or under section 16 or to make rules under section 17, shall, in relation to such matters and subject to such conditions, if any, as may be specified in the order, be exercisable also by —

(a) such officer or authority subordinate to the Central Government; or

(b) such State Government or such officer or authority subordinate to a State Government, as may be specified in the order.

14. *Central Government to give directions.* — The Central Government may give such directions as it may consider necessary to a State Government as to the carrying into execution of the provisions of this Act.

15. *Protection of action taken in good faith.* — No suit, prosecution or other legal proceeding shall lie against the Central Government, State Government or any officer or employee of the Central Government or of any State Government or any authorised officer for anything which is in good faith done or intended to be done under this Act or any rule or order made thereunder.

16. *Power to exempt.* — (1) If the Central Government is of the opinion that it is necessary or expedient so to do in the public interest, it may, by order published in the Official Gazette, exempt any person or class of persons, supplying or distributing any commodity or class of commodities, from the operation of an order made under section 3.

(2) Every order made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

17. *Power to make rules.* — (1) The Central Government may, by notification in the Official Ga-

zette, make rules for carrying out the purposes of this Act.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Notification

LD/1/87-(L.A.B.)

The Khadi and Village Industries Commission (Amendment) Act, 1987 (Act No. 12 of 1987) which was passed by Parliament and assented to by the President of India on 15th May, 1987, and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 15th May, 1987, is hereby republished for general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 1st September, 1987.

The Khadi and Village Industries Commission (Amendment) Act, 1987

AN

ACT

further to amend the Khadi and Village Industries Commission Act, 1956.

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Khadi and Village Industries Commission (Amendment) Act, 1987.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

2. *Amendment of section 2.* — In section 2 of the Khadi and Village Industries Commission Act, 1956 (hereinafter referred to as the principal Act), —

(a) after clause (c), the following clause shall be inserted, namely: —

“(cc) “fixed capital investment” includes investment in plant and machinery and land and building of an industry;”;

(b) in clause (e), the words "and the vice-chairman" shall be omitted;

(c) after clause (f), the following clause shall be inserted, namely:—

'(ff) "rural area" means the area comprised in any village, and includes the area comprised in any town, the population of which does not exceed ten thousand or such other figure as the Central Government may specify from time to time;';

(d) clause (g) shall be omitted;

(e) clause (gg) shall be omitted;

(f) for clause (h), the following clause shall be substituted, namely:—

'(h) "village industry" means,—

(i) any industry located in a rural area which produces any goods or renders any service with or without the use of power and in which the fixed capital investment per head of an artisan or a worker does not exceed fifteen thousand rupees or such other sum as may, by notification in the Official Gazette, be specified from time to time by the Central Government;

Provided that any industry specified in the Schedule and located in an area other than a rural area and recognised as a village industry at any time before the commencement of the Khadi and Village Industries Commission (Amendment) Act, 1987 shall, notwithstanding anything contained in this sub-clause, continue to be a village industry under this Act;

(ii) any other non-manufacturing unit established for the sole purpose of promoting, maintaining, assisting, servicing (including mother units) or managing any village industry;';

3. Omission of section 3 — Section 3 of the principal Act shall be omitted.

4. Amendment of section 4. — In section 4 of the principal Act, for sub-sections (2) and (3), the following sub-sections shall be substituted, namely:—

"(2) The Commission shall consist of the following members appointed by the Central Government, namely:—

(a) six non-official members having specialised knowledge and experience of khadi and village industries and representing such six geographical zones of the country, as may be prescribed;

(b) two non-official members having expert knowledge and experience in one or more of the following disciplines, namely:—

Economics, Planning, Rural Development, Science and Technology or Technical Education and Training;

(c) one Financial Adviser, who shall also be the Chief Accounts Officer of the Commission, *ex-officio*; and

(d) a Chief Executive Officer, *ex-officio*:

Provided that the *ex-officio* members shall not have the right to vote in any of the matters discussed at a meeting of the Commission.

(3) The Central Government may appoint one of the members appointed under clause (a) of sub-section (2) to be the chairman who shall be a full-time member."

5. Substitution of new sections for sections 5 and 6. — For sections 5 and 6 of the principal Act, the following sections shall be substituted, namely:—

"5. Powers and functions of the Chief Executive Officer. — (1) The Chief Executive Officer appointed under clause (d) of sub-section (2) of section 4 shall exercise powers of general superintendence over the affairs of the Commission and its day-to-day management under the direction and control of the chairman.

(2) The Chief Executive Officer shall be responsible for the furnishing of all returns, reports and statements required to be furnished to the Central Government under section 24.

(3) It shall be the duty of the Chief Executive Officer to place before the Commission for its consideration and decision any matter of financial import if the Financial Adviser suggests to him in writing that such matter be placed before the Commission.

5A. Powers and functions of the Financial Adviser. — The Financial Adviser appointed under clause (c) of sub-section (2) of section 4 shall be in charge of all financial matters of the Commission including its budget, accounts and audit and it shall be the duty of the Financial Adviser to bring to the notice of the Commission through the Chief Executive Officer any matter of financial import, which, in his opinion, requires consideration and decision by the Commission.

6. Disqualifications for membership of the Commission. — A person shall be disqualified for being appointed as, for being, a member of the Commission —

(a) if he is, or is found to be a lunatic or a person of unsound mind; or

(b) if he has been adjudged insolvent; or

(c) if he has been convicted of an offence involving moral turpitude; or

(d) if he has any financial interest in any subsisting contract made with or in any work being done by the Commission, except as a shareholder (other than a Director), in a company as defined in section 3 of the Companies Act, 1956:

1 of 1956.

Provided that where he is a shareholder, he shall disclose to the Central Government, the nature and extent of shares held by him in such a company; or

(e) if he has any financial interest in any business undertaking dealing with or any other village industry specified or deemed to be specified in the Schedule to the Act.

6A. *Removal of Chairman, Member, etc., from the Commission.* — The Central Government may, by notification in the Official Gazette, remove from office any member of the Commission who —

(a) is or becomes subject to any of the disqualifications mentioned in section 6; or

(b) in the opinion of the Central Government has failed or is unable to carry out his duties; or

(c) absents himself from three consecutive meetings of the Commission without the leave of the Commission:

Provided that before issuing any such notification, the Central Government shall give an opportunity to the member concerned to show cause against such removal."

6. *Amendment of section 12.* — In section 12 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely: —

"(2) The chairman or, in his absence, any member (other than an *ex-officio* member) chosen by the members present from among themselves, shall preside at a meeting of the Commission."

7. *Substitution of new section for section 13.* — For section 13 of the principal Act, the following section shall be substituted, namely: —

"13. *Term of office and conditions of service of the chairman and other members.* — (1) Every member of the Commission other than an *ex-officio* member shall hold office for a term of five years:

Provided that the chairman shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) The terms and conditions of service of the chairman, Chief Executive Officer, Financial Adviser and other members shall be such as may be prescribed."

8. *Amendment of section 14.* — In section 14 of the principal Act, —

(a) sub-section (1) shall be omitted;

(b) in sub-section (2), the brackets and figure "(2)" and the proviso shall be omitted.

9. *Substitution of new section for section 15.* — For section 15 of the principal Act, the following section shall be substituted, namely: —

"15. *Functions of the Commission.* — (1) Subject to the provisions of this Act, the functions of the Commission shall generally be to plan, promote, organise and assist in the establishment and development of khadi and village industries in the rural area in coordination with other agencies engaged in rural development wherever necessary.

(2) In particular, and without prejudice to the generality of the foregoing power, the Commission may take such other steps as it may think fit, —

(a) to plan and organise training of persons employed or desirous of seeking employment in khadi and village industries;

(b) to build up reserves of raw materials and implements and supply them to persons engaged or likely to be engaged in production of hand-spun yarn or khadi or village industries at such rates as the Commission may decide;

(c) to encourage and assist in the creation of common service facilities for the processing of raw materials or semi-finished goods and for otherwise facilitating production and marketing of khadi or products of village industries;

(d) to promote the sale and marketing of khadi or products of village industries or handicrafts and for this purpose forge links with established marketing agencies wherever necessary and feasible;

(e) to encourage and promote research in the technology used in khadi and village industries, including the use of non-conventional energy and electric power with a view to increasing productivity, eliminating drudgery and otherwise enhancing their competitive capacity and to arrange for dissemination of salient results obtained from such research;

(f) to undertake directly or through other agencies studies of the problems of khadi or village industries;

(g) to provide financial assistance to institutions or persons engaged in the development and operation of khadi or village industries and guide them through supply of designs, prototypes and other technical information for the purpose of producing goods and services for which there is effective demand in the opinion of the Commission;

(h) to undertake experiments or pilot projects which in the opinion of the Commission are necessary for the development of khadi and village industries;

(i) to establish and maintain separate organisations for the purpose of carrying out any or all of the above matters;

(j) to promote and encourage cooperative efforts among the manufacturers of khadi or persons engaged in village industries;

(k) to ensure genuineness and to set up standards of quality and ensure that products of khadi and village industries do conform to the said standards, including issue of certificates or letters of recognition to the concerned persons; and

(l) to carry out any other matters incidental to the above."

10. *Amendment of section 17A.* — In section 17A of the principal Act, for the words "or the development of village industries", the words "the development of village industries or the development of khadi and village industries" shall be substituted.

11. *Amendment of section 18.* — In section 18 of the principal Act, for sub-sections (1), (1A) and

(1B), the following sub-sections shall be substituted, namely:—

“(1) The Commission shall have three separate funds to be called the khadi fund, the village industries fund and the general and miscellaneous fund.

(1A) There shall be credited,—

(a) to the khadi fund, all sums received by the Commission for the purposes relating to khadi;

(b) to the village industries fund, all sums received by the Commission for the purposes relating to village industries and products of handicrafts;

(c) to the general and miscellaneous fund, all other sums received by the Commission:

Provided that if the amount available in any of the said funds is in excess of the requirements of that fund and the amount available in any other of the said fund is insufficient to meet the requirements of that fund, the Commission may, with the previous approval of the Central Government, transfer from the first mentioned fund the excess amount or such part thereof as may be necessary to the other fund.

Explanation.—For the purpose of computing the amount in any of the said funds, the amount received under section 17A shall not be taken into account.

(1B) The sums credited under sub-section (1),—

(a) to the khadi fund, shall be applied for the purposes relating to khadi;

(b) to the village industries fund, shall be applied for the purposes relating to village industries and products of handicrafts;

(c) to the general and miscellaneous fund, shall be applied for the purposes relating to khadi and village industries and for meeting the salary, allowances and other remuneration of the members, officers and other employees of the Commission and other administrative expenses of the Commission.”.

12. *Amendment of section 19A.*—In section 19A of the principal Act, in sub-section (1), for the words “two funds”, the words “three funds” shall be substituted.

13. *Amendment of section 20.*—In section 20 of the principal Act,—

(a) in sub-section (1),—

(i) for the words “two separate budgets”, the words “three separate budgets” shall be substituted;

(ii) for the words “and the village industries budget”, the words “, the village industries budget and the general and miscellaneous budget” shall be substituted;

(iii) for the words “and village industries respectively”, the words “, village industries and products of handicrafts and khadi and village industries respectively” shall be substituted;

(b) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) The Commission may within the respective limits of the khadi budget, the village industries budget and the general and miscellaneous budget, sanction any reappropriation from one head of expenditure to another or from a provision made for one scheme to that in respect of another, but subject to the proviso to sub-section (1) of section 18, in no case shall a reappropriation of fund be made from one budget to any of the other two budgets:

Provided that no reappropriation from the head “Loan” to any other head of expenditure and *vice versa* in any of the budgets shall be sanctioned by the Commission, except with the previous approval of the Central Government.”;

(c) in sub-section (4), for the words “either budget”, the words “the budget” shall be substituted.

14. *Amendment of section 26.*—In section 26 of the principal Act,—

(a) in sub-section (2),—

(i) for clause (a), the following clause shall be substituted, namely:—

“(a) the manner of filling casual vacancies among the members of the Commission and the terms and conditions of service of the chairman, the Chief Executive Officer, the Financial Adviser and other members of the Commission including the salary and allowances to be paid to them and the travelling and daily allowances to be drawn by them when they are on tour;”;

(ii) in clause (b), the words “the disqualifications for membership of the Commission and” shall be omitted;

(iii) clause (cc) and clause (d) shall be omitted;

(b) sub-section (3) shall be omitted.

15. *Amendment of section 27.*—In section 27 of the principal Act,—

(a) in sub-section (2), in clauses (a) and (c), for the words “the Secretary”, the words “the Chief Executive Officer” shall be substituted; and

(b) after sub-section (2), the following sub-section shall be inserted and shall be deemed always to have been inserted, namely:—

“(2A) The power to make regulations under this section with respect to the terms and conditions of service and the scales of pay and pension to be paid to the employees of the Commission shall include the power to give retrospective effect from a date not earlier than the commencement of this Act, to such regulations or any of them but no retrospective effect shall be given to any such regulation so as to prejudicially affect the interest of any person to whom such regulation may be applicable.”.

16. *Insertion of new section 28.* — In the principal Act, after section 27, the following section shall be inserted, namely: —

“28. *Rules and regulations to be laid before Parliament.* — Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.”

17. *Amendment of the Schedule.* — In the Schedule to the principal Act, for the heading “[See section 2(h) and 3(i)]”, the heading “[See section 2(h)]” shall be substituted.

Notification

LD/1/87-(L.A.B.)

The State of Arunachal Pradesh (Amendment) Act, 1987 (Act No. 19 of 1987) which was passed by Parliament and assented to by the President of India on 23rd May, 1987 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 25th May, 1987, is hereby republished for general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 3rd September, 1987.

The State of Arunachal Pradesh (Amendment) Act, 1987

AN
ACT

to amend the State of Arunachal Pradesh Act, 1986.

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the State of Arunachal Pradesh (Amendment) Act, 1987.

(2) It shall be deemed to have come into force on the 20th day of February, 1987.

2. *Amendment of Act 69 of 1986.* — In section 11 of the State of Arunachal Pradesh Act, 1986, —

(a) in sub-section (1), for the words “which shall consist of members elected by the territorial

constituencies of the Legislative Assembly of the existing Union territory of Arunachal Pradesh” the following shall be substituted, namely: —

“which shall consist of —

(a) members elected by the territorial constituencies of; and

(b) members nominated to, the Legislative Assembly of the existing Union territory of Arunachal Pradesh”;

(b) for sub-section (3), the following sub-section shall be substituted, namely: —

“(3) For so long as the provisional Legislative Assembly constituted under this section is in existence, —

(a) it shall be deemed to be the Legislative Assembly of the State of Arunachal Pradesh duly constituted under the Constitution and shall be competent to discharge all the functions of a Legislative Assembly of a State under the Constitution; and

(b) the members thereof, referred to in clause (a) of sub-section (1), shall be deemed to be the members of the Legislative Assembly of the State of Arunachal Pradesh duly elected under the Constitution.”

Notification

LD/1/87-(L.A.B.) (Part File)

The following Notification received from the Government of India, Ministry of Welfare, New Delhi, is hereby republished for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 24th September, 1987.

MINISTRY OF WELFARE

New Delhi, the 13th August, 1987

Notification

G.S.R. 710 (E). — In exercise of the powers conferred by sub-section (3) of section 1 of the Juvenile Justice Act, 1986 (53 of 1986), the Central Government hereby appoints the 2nd day of October 1987, as the date on which all the provisions of the Act shall come into force in all the States to which it extends.

[F. No. 8-1/85-SD (Vol. II)]
ASHA DAS, Jt. Secy.